

Technical Focus Group Meeting Notes  
Tuesday, November 8, 2005

1. Mark Gordon, DNR, discussed the draft “WDNR’s Preferred Options for Revising NR 720” paper. Information in the paper is not repeated in these notes. The paper reflects previous discussions with the Focus Group about revision of DNR’s standards for contaminated soil. This Focus Group, along with the Brownfields Study Group, will be the advisory group for rule revision. Public hearings will follow. Discussion on specific topics included:
  - Residual contaminant level (RCL) values would be calculated based on a formula using factors including current EPA toxicity data. DNR will post current “default” values for the commonest contaminants on the web. Responsible parties could still calculate and propose their own values based on site-specific conditions.
  - The group is still interested in soil values based on more than two land use categories (currently these are industrial and non-industrial). This could impact the type and number of institutional controls for residual contamination.
  - Averaging soil sample results to evaluate the risk of direct contact with contaminated soils: This provision will be added to the revised NR 720. In the interim, DNR will prepare a statement on how this can be done now. Consultants are looking for consistent DNR responses. EPA’s on-line calculator to establish an upper confidence level (UCL) on the variability of sample results will be a useful tool.  
<http://www.epa.gov/esd/tsc/download.htm>. Consultants also hope DNR will establish a simple “test out” process for some sites that won’t need DNR pre-approval for averaging.
  - Regarding the risk of direct contact with contaminated soil, consultants would like a clarification regarding the depth of soil to which this applies. Most felt this should reflect daily use, not short-term construction projects that may expose workers to deeper soils.
  - In general, the group agreed with the direction outlined in the paper. One consultant summed it up this way: These are positive changes. DNR needs to ensure that the rule revisions will not result in new regulatory bottlenecks.
2. The group’s comments indicated that DNR’s planned statewide study on background levels of arsenic will be valuable, but time-consuming and costly. Members suggested that DNR pursue a multitude of funding sources. The group hopes that after quality control procedures are established some of the data that has been previously collected by consultants will be useful – at least some of it has been collected as background in native soils. Where background levels exceed health standards, the local background level is expected to be the site-specific cleanup standard. The Dept. of Health estimates that they are contacted on hundreds of arsenic contamination instances each year, and redevelopment of former orchards is increasing.
3. Discussion on Technical Guidance

- The draft guidance on procedures to establish natural background levels of compounds has been revised so that arsenic will be handled the same as other compounds. DNR hopes to have this guidance finished in a few months.
- DNR is developing guidance for hazardous waste determinations at former manufactured gas plant sites. This will be consistent with EPA regulations. DNR's Waste Management Program is also revising the hazardous waste regulations (NR 600 rules) to be consistent with EPA's rules.
- DNR is completing a statement on the "contained-out" process for determining how some excavated contaminated soils may be handled other than as hazardous waste. This will be included in an "RR News from DNR" newsletter.

#### 4. Information Technology

- DNR's Waste Management Program now has its database of solid and hazardous waste facilities on the internet. <http://sotw.dnr.state.wi.us/sotw/Welcome.do>
- The Remediation & Redevelopment (RR) Program's on-line database can now be searched by public land survey sections (Town, Range, section, quarter-section).
- The two major modules of the RR Program's database will be searchable through a geographic information system (GIS) by the end of the year.
- Locations in the *Registry of Waste Disposal Sites* are still being evaluated (about half are completed), but the RR Program needs to upgrade the database to provide the new information to the public.

#### 5. Phase 1 & 2 environmental site evaluations: The effective date for EPA's rule on All Appropriate Inquiry is November 1, 2006. DNR-ASTM joint training on the new standard starts at the end of November. See the calendar on the RR Program's web site. <http://dnr.wi.gov/org/aw/rr/>

#### 6. The Technical Focus Group and the National Brownfields Association (NBA): The Wisconsin Chapter of the NBA will use this focus group as the forum for their technical issues.